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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Communications Assistance for
Law Enforcement Act

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CC Docket No. 97-213

COMMENTS OF GTE

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SUMMARY

GTE has been, and continues to be, a strong supporter of law enforcement efforts to safeguard the public. GTE therefore supported the promulgation of J-STD-025, which ensures that law enforcement officials have access to the types of call content and call identifying information that they have traditionally found necessary to fight crime. As the product of three years of negotiation between the telecommunications industry and law enforcement officials, J-STD-025 represents a delicate compromise between the needs of law enforcement officials, economic realities, and technological limitations. Under these circumstances, GTE does not believe the public interest would be served by adding any of the "punch list" items to the standard. Instead, the Commission should adopt J-STD-025 as it now exists as a safe harbor for equipment manufacturers and carriers.

As discussed herein, addition of the punch list items will make intolerable the already extraordinary financial burden imposed on the nation's ratepayers by the implementation of the core standard. GTE, for example, estimates that it will cost the company in excess of \$400 million to implement the core standard. Because Congress has only appropriated \$500 million to reimburse all of the nation's telecommunications carriers for CALEA compliance, and the FBI has promulgated rules that make it extremely difficult for carriers to obtain such reimbursement, it is clear that there will be a significant gap between CALEA compliance costs and government reimbursement. As a result, domestic ratepayers will shoulder the burden of this monetary shortfall.

Given these economic factors, the Commission should not add the punch list items. Although GTE's vendors have not supplied GTE with precise pricing information, it is clear that these added capabilities will be expensive to implement. Absent legislative action, there will be no federal funds to help offset these costs. Thus, if the Commission does augment J-STD-025 with the punch list items, the Commission will inevitably be deluged with Section 109 petitions alleging that based on economic factors, compliance with the new standard is not "reasonably achievable" for post-1995 equipment. Leaving J-STD-025 intact will cap this massively underfunded program, and will at least minimize the needless expenditure of additional public and private resources.

The Commission should also define the term "reasonably available call identifying information" in a manner that comports with a carrier's regular business practices, acknowledges economic realities, and respects user privacy. In particular, call identifying information should be considered "reasonably available," if, at the point of intercept, the information is: (1) normally generated by the subscriber or the network in processing a call; (2) normally captured by the network in the course of processing the call request; and (3) normally retained by the carrier as part of the call-processing record. Further, because any piece of information can be isolated from a carrier's network if cost is no object, CALEA definitively states that if it is excessively expensive to provide law enforcement officials with any particular piece of call identifying information, that information is not "reasonably available." Similarly, CALEA makes it clear that customer privacy, and the prevention of warrantless searches, must be a critical factor in the "reasonably available" calculus.

Finally, if the Commission chooses to add features to J-STD-025, TIA, as the recognized leader in setting standards for the telecommunications equipment industry, should be entrusted with reducing these new features to technical standards. If the core standard is disturbed, the Commission must, however, provide the industry with adequate time to develop a new technical standard and test and install the hardware and software that is produced to meet this standard. In setting a deployment schedule, the Commission would be well served by looking to the telecommunications industry's experience with local number portability ("LNP"), where, after the standards were finalized, it took approximately three years to implement the necessary changes to the switching software and to deploy these changes in the top 100 MSAs. The Commission must also bear in mind, however, that while LNP-capable software was only installed in the top 100 MSAs, CALEA-capable software must be deployed in every switch throughout the nation. In addition, it is possible that vendors will not begin construction of equipment that meets the core standard until this proceeding is resolved.

Thus, carriers should be given a minimum of 20 months following the entry of a final order to comply with any additional assistance capability requirements not contained in J-STD-025. Consistent with its action in the number portability docket, the Commission should also grant the Chief of the Common Carrier Bureau the authority to grant individual carrier extensions, upon good cause shown. Finally, the Commission should review the comments of the switch vendor community to determine whether it is more efficient to set a single date—that may be later than June 30, 2000—for compliance with both the core standard and any additional features added during this proceeding.

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Law Enforcement Act)
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COMMENTS OF GTE

GTE Service Corporation and its below-listed affiliates¹ (collectively, "GTE") respectfully submit their comments concerning the Further Notice of Proposed Rulemaking ("FNPRM") in this docket.² As described below, GTE has been—and continues to be—a strong supporter of CALEA, but does not believe the Commission should add any of the "punch list" features to J-STD-025. J-STD-025 was developed by industry in consultation with law enforcement and, as such, should be sanctioned as the final CALEA standard for wireline, cellular, and broadband PCS equipment.

¹ GTE Alaska, Incorporated, GTE Arkansas Incorporated, GTE California Incorporated, GTE Florida Incorporated, GTE Hawaiian Telephone Company Incorporated, The Micronesian Telecommunications Corporation, GTE Midwest Incorporated, GTE North Incorporated, GTE Northwest Incorporated, GTE South Incorporated, GTE Southwest Incorporated, Contel of Minnesota, Inc., GTE West Coast Incorporated, and Contel of the South, Inc., GTE Communications Corporation, GTE Wireless Incorporated.

² Communications Assistance for Law Enforcement Act, CC Docket No. 97-213, *Further Notice of Proposed Rulemaking*, FCC 98-282 (rel. Nov. 5, 1998) ("FNPRM").

I. INTRODUCTION

Congress enacted CALEA because telecommunications networks have become increasingly resistant to court ordered wire-tapping efforts by law enforcement officials as a result of the deployment of digital technologies. Importantly, CALEA was not intended to expand the surveillance reach of law enforcement officials, but only to give them the same capabilities in the age of digital equipment as they had in the analog era.³ In order to ensure that law enforcement officials could continue to carry out legitimate electronic surveillance efforts, Congress required that, pursuant to the “assistance capability requirements” of Section 103 of CALEA, each carrier’s network must be designed in a manner that allows law enforcement officials to expeditiously isolate and intercept both call-content and call-identifying information.⁴

Congress further contemplated that the telecommunications industry would consult with law enforcement officials and draft “technical requirements or standards” that meet the statutory language of Section 103.⁵ Carriers that utilize equipment manufactured to these specifications would be deemed to be in compliance with the assistance capability requirements.⁶

³ H.R. Rep. No. 103-827, at 22 (1994) (“[t]he FBI Director testified that the legislation was intended to preserve the status quo, that it was intended to provide law enforcement no more and no less access to information than it had in the past”).

⁴ 47 U.S.C. § 1002.

⁵ 47 U.S.C. § 1006(a)(2).

⁶ *Id.*

GTE has been a strong supporter of law enforcement. GTE supports CALEA and the goal of ensuring that technological advances do not deprive law enforcement of access to information necessary to fulfill their important public safety mission. At the same time, however, GTE's support for J-STD-025 also recognizes the importance of privacy to GTE customers and the technical and economic realities of this country's vast, and complex, telecommunications network.

Against this backdrop, this proceeding represents the culmination of the standards-setting process for the wireline, cellular, and PCS industries. Over the past four years, these industries, under the auspices of the Telecommunications Industry Association ("TIA"), and in consultation with law enforcement officials, have developed J-STD-025. While all industry participants believe that J-STD-025 meets or exceeds the requirements of CALEA, law enforcement agencies have alleged that it is defective in failing to provide nine specific electronic features or "punch list" items.⁷

As these comments make clear, the Commission should adopt J-STD-025 in its present form, and should not add any of the punch list items requested by law enforcement agencies. The FBI and Department of Justice ("DOJ") have consistently attempted to narrow the scope of their legal obligation to reimburse carriers for required CALEA compliance costs. The absence of clear government commitments to reimburse statutorily mandated compliance costs poses a significant risk that

⁷ These "punch list" items are: (1) content of subject initiated conference calls; (2) party hold, join, drop on conference calls; (3) subject initiated dialing and signaling information; (4) in-band and out-of-band signaling information; (5) timing information; (6) surveillance status; (7) continuity check tone; (8) feature status; and (9) dialed digit extraction. *FNPRM*, ¶¶ 73-123.

ratepayers will bear the burden of financing CALEA compliance. Adding the punch list items will only increase this burden. Therefore, sanctioning J-STD-025 in its current form will limit further negative impacts on the nation's telecommunications ratepayers, while still providing law enforcement agencies with sufficient electronic surveillance capabilities with which to carry out their critical public safety mission.⁸

II. J-STD-025 WAS PROMULGATED IN ACCORDANCE WITH THE REQUIREMENTS OF CALEA, AND SHOULD THEREFORE BE SANCTIONED AS THE FINAL STANDARD

GTE and the rest of the telecommunications industry believe that J-STD-025 will provide law enforcement officials with access to the same call identifying and call content information that they have historically found necessary to protect public safety. Manifestly, adoption of this standard will not compromise public safety. As noted by the Commission, J-STD-025 is the product of a long and arduous negotiation process between industry and law enforcement that began in early 1995.⁹ Throughout this process, both law enforcement officials and industry representatives reached delicate compromises on the features that should be included in the final standard. These compromises were driven by the mandates of CALEA, the stated needs of law enforcement officials and technological limitations. As such, J-STD-025 meets the

⁸ Of course, the DOJ can fully insulate residential ratepayers from higher costs by accepting its responsibility to fully reimburse carriers for all CALEA costs including core capabilities. If the DOJ does not have funds to reimburse carriers for complete implementation, then it should prioritize for the industry those locations where CALEA capability is the most important, expend its available funds on those sites, and find the remaining sites to be in compliance.

⁹ *FNPRM*, ¶¶ 11-15.

requirements of Section 107(a) that industry associations or standards-setting organizations consult with law enforcement officials in order to develop technical standards for CALEA-compliant equipment.¹⁰

GTE has supported J-STD-025 in comments filed in response to the Commission's April 20 Public Notice.¹¹ The commenters in that proceeding clearly demonstrated that the features enumerated in the punch list were not required by CALEA, and would be extremely expensive—or impractical—to implement. Against this background, GTE disagrees with the Commission's tentative conclusion to include five of the punch list items in the final standard. Rather, the Commission should respect the fact that the industry, in consultation with law enforcement, has spent more than three years reaching a comprehensive standard, and denominate J-STD-025 as the FCC-sanctioned safe harbor standard.

GTE submits that there is no compelling reason to adopt any additional capabilities at this time. In comments filed in response to the Commission's April 20 Public Notice, GTE suggested that the Commission immediately adopt the J-STD-025 standard and not include any of the punch list items in this safe harbor standard. GTE further recommended that, if the Commission did not find the record sufficient to reach such a conclusion regarding the punch list items, it should move quickly to initiate a new

¹⁰ 47 U.S.C. § 1006(a).

¹¹ Public Notice, *Communications Assistance for Law Enforcement Act*, CC 97-213, DA 98-762 (April 20, 1998).

proceeding with a specified time limit to determine whether any of the punch list items are appropriate for inclusion in the new safe harbor standard.¹²

In the time since GTE filed these comments, GTE has been able to estimate its costs to deploy the "core" J-STD-025 requirements (See Section III *infra.*). These estimates raise serious questions about GTE's ability to meet the "core" requirement, let alone any additional costs stemming from the punch list. Given these extraordinary "core" standard costs, as well as the ongoing and unresolved reimbursement debate, GTE strongly urges the Commission to reconsider its tentative conclusion to include the five punch list items in J-STD-025. Instead, GTE suggests that the Commission direct the industry to implement J-STD-025 and hold the punch list additions in abeyance until the capacity and cost reimbursement issues have been resolved. It serves no purpose to force the telecommunications industry to incur additional costs until it is known how the first costs will be recovered and from whom.

III. GIVEN THE COST OF IMPLEMENTING THE CORE STANDARD, AND THE LACK OF FEDERAL FUNDS FOR CARRIER REIMBURSEMENT, THE COMMISSION SHOULD NOT ADD THE PUNCH LIST ITEMS TO J-STD-025

The language of the statute clearly demonstrates that Congress sought to avoid imposing the costs of CALEA compliance on domestic ratepayers. Because the costs of implementing the core standard will substantially exceed the federal funds budgeted for CALEA compliance, however, there is a substantial risk that consumers will, in fact,

¹² See, Comments of GTE, Communications Assistance for Law Enforcement Act ("CALEA"), CC Docket No. 97-213, at 3-4 (filed May 20, 1998).

bear significant costs. As discussed below, the Commission will only exacerbate this financial problem by adding the punch list items to the core standard.

For example, based on internal studies and cost discussions with its vendors, GTE estimates that it will cost in excess \$400 million *for GTE's wireline and wireless companies alone* to meet the assistance capability requirements of Section 103, as defined in J-STD-025.¹³ Congress, however, has appropriated only \$500 million¹⁴ to allow the DOJ to reimburse *all* of the nation's carriers for whatever costs they incur in meeting both the assistance capability requirements for pre-1995 equipment,¹⁵ *and* the capacity requirements of Section 104.¹⁶ Given the huge disparity between the available government funds and carriers' implementation costs, it is clear that ratepayers will ultimately bear the burden of bringing any equipment "installed or deployed" after

¹³ GTE's estimate is conservative owing to the lack of detailed budgetary information from its vendors. GTE believes this estimate is consistent with the \$2.2 to \$3.1 billion estimate USTA will identify in its comments to be filed in this proceeding. USTA Comments, Communications Assistance for Law Enforcement Act, CC Docket No. 97-213 (filed Dec. 14, 1998). GTE also believes, however, that the USTA estimate does not include the substantial costs that will be incurred for operational support system ("OSS") upgrades, internal data network costs needed to meet CALEA security requirements, multiple generic software upgrades needed to configure certain switches to accept the CALEA load, and additional requirements to meet the DOJ's capacity estimates. GTE believes these factors could add as much as an additional \$300 to \$400 million to GTE's costs.

¹⁴ See 47 U.S.C. § 1009 (authorizing \$500 million for CALEA compliance).

¹⁵ See 47 U.S.C. § 1008(d) (if the Attorney General does not agree to reimburse a carrier for the costs of retrofitting pre-1995 equipment, that equipment must be "considered to be in compliance" with the assistance capability requirements).

¹⁶ See 47 U.S.C. § 1003(e) (if the Attorney General does not agree to reimburse a carrier for the costs of meeting the capacity requirements, "the carrier shall be considered to be in compliance" with the capacity requirements).

January 1, 1995 into compliance with the assistance capability requirements.¹⁷ GTE does not believe that this result was intended by Congress.

While GTE has attempted to quantify its overall implementation costs, GTE has not been able to develop precise cost estimates for each of the punch list items. GTE has not been able to estimate these costs because its equipment vendors—which are just now in the process of developing CALEA solutions based on J-STD-025—have not supplied GTE with any budgetary cost estimates. Hence, the final cost of any additional requirements from this *FNPRM* will not be known until after manufacturers have had a chance to evaluate the additional requirements. It is nevertheless clear that the sheer complexity of the features being sought will add greatly to GTE's implementation costs, inasmuch as these requirements were previously deemed to be not "readily available" by TIA. Given the magnitude of these implementation costs, the Commission should not add the punch list items to J-STD-025

¹⁷ The Cellular Telecommunications Industry ("CTIA"), the Personal Communications Industry Association ("PCIA"), the Telecommunications Industry Association ("TIA"), and the United States Telephone Association ("USTA") have filed a suit in federal district court alleging that the FBI has misinterpreted the phrase "installed or deployed" in promulgating carrier reimbursement rules. See *CTIA, et al v. Reno*, Nos. 98CV01036, 98CV02010 (D.D.C. filed April 27, 1998). In particular, the plaintiffs allege that "by defining the two separate words 'installed' or 'deployed' to have the same meaning, the FBI has attempted to shift the cost of CALEA compliance to certain carriers directly contrary to the stated intent of Congress in passing CALEA." Second Amended Complaint, ¶ 6. The plaintiffs further argue that "Congress intended that carriers be reimbursed to retrofit *all existing* equipment, services and features at the time CALEA was enacted." *Id.* (emphasis added). GTE agrees that the FBI has misinterpreted CALEA in a manner that deprives carriers of government reimbursement to which they are legally entitled. Even if the plaintiff's prevail, however, carriers will still be faced with staggering implementation costs for retrofitting equipment that did not exist in 1994, when CALEA was enacted.

The Commission further seeks comment on how carriers might minimize their implementation costs.¹⁸ As far as GTE is aware, network modifications to meet CALEA's requirements are unlikely to have ancillary commercial uses that might help offset carriers' implementation costs. In fact, if any of these requirements did have the ability to generate revenue for carriers, carriers would already be developing these capabilities. Therefore, carrier expenditures to comply with CALEA will not be "recovered" through the commercial application of CALEA features.

Against this economic background, the Commission should not further burden American consumers' and businesses' telecommunications costs by adding punch list items to the CALEA standard. As noted above, J-STD-025 is adequate to meet the needs of law enforcement and protect the safety of the American public. It is also clear that Congress has not allocated nearly enough funds to reimburse carriers even for implementing the "core" capabilities of CALEA as described in J-STD-025. Absent a solution to the reimbursement problem, ratepayers will ultimately feel the effects of CALEA even if the Commission adds none of the punch list items to the standard.

If the Commission chooses to add punch list items to the standard, the American public potentially will be faced with enormous increases in the cost of their telecommunications services. In order to prevent such uncalled for rate hikes, the nation's carriers will inevitably file petitions with the FCC under Section 109(b) claiming that the addition of the punch list items is not "reasonably achievable" for equipment

¹⁸ *FNPRM*, ¶ 30.

installed or deployed after January 1, 1995.¹⁹ As a result, the FCC will be required to expend significant administrative resources processing these petitions and GTE presumes the FBI/DOJ will incur costs in opposing carrier requests. This needless expenditure of public and private resources can be avoided if the Commission heeds the advice of the telecommunications industry and leaves J-STD-025 intact.

IV. THE COMMISSION SHOULD DEFINE “REASONABLY AVAILABLE” IN A MANNER CONSISTENT WITH A CARRIER’S NORMAL BUSINESS PRACTICES, ECONOMIC REALITIES, AND PRIVACY CONCERNS

In the *Notice*, the Commission sought comment on the meaning of “reasonably available” within the context of Section 103 of CALEA. In particular, the Commission asked when call identifying information is “reasonably available” to the carrier for the purposes of supplying law enforcement officials, pursuant to a warrant, with this information.²⁰ GTE believes that, consistent with CALEA, “reasonably available” should be interpreted in a manner compatible with a carrier’s normal business practices, consistent with economic realities, and with due deference to privacy concerns.

First, Section 103(b) prohibits “any law enforcement agency or officer” from requiring “any specific design of equipment” to be adopted by any carrier.²¹ Consistent

¹⁹ 47 U.S.C. § 1008. The sheer magnitude of the cost to implement the core requirements, coupled with the lack of resolution of the reimbursement question, clearly forebodes the filing of industry-wide Section 109 petitions. The excessive implementation costs will clearly impact a number of Section 109 factors.

²⁰ *FNPRM*, ¶ 25.

²¹ 47 U.S.C. § 1002(b)(1)(A).

with this limitation, call-identifying information should be considered "reasonably available" to carriers if, *at the point of intercept*,²² the information is: (1) normally generated by the subscriber or the network in processing a call; (2) normally captured by the network in the course of processing the call request; and (3) normally retained by the carrier as part of the call-processing record. Thus, available network elements must have the capability to capture, store, and forward call-identifying information in order for the information to be "reasonably available." Call-identifying information that requires additional manipulation or processing that is not a part of normal call processing, is not "reasonably available."

Second, cost is an important consideration in determining whether a feature is "reasonably available." The importance of economic factors is made clear by Section 107(b), which demands that any technical requirements: (1) "meet the assistance capability requirements of section 103 by cost-effective methods;" and (2) "minimize the cost of such compliance on residential ratepayers."²³ Thus, in drafting CALEA, Congress implicitly recognized that any information could be made available if unlimited economic resources are expended, and sought to draw a line between measures that could be achieved with reasonable efforts and those that would require the substantial expenditure of resources. In the case of CALEA, as previously noted, if these

²² CALEA has been interpreted by TIA to mean simultaneous access to many different parts of the network and J-STD-025 is written to accommodate that interpretation. GTE does not agree with that interpretation and submits that call identifying and call content information should only be reasonably available at the point of interception.

²³ 47 U.S.C. §§ 1006(b)(1), (3).

resources are not provided by the government, they will be borne by ratepayers.

Therefore, given the aforementioned shortage of Congressionally-appropriated funds, the Commission should define “reasonably available call identifying information” narrowly, consistent with the information carriers use in the normal course of their processing calls.

Finally, protecting the privacy of customers is integral to the structure of CALEA. To this end, Section 103 requires carriers to protect “the privacy and security of communications and call-identifying information not authorized to be intercepted,”²⁴ and Section 107 similarly requires that any technical standards protect user privacy.²⁵ By its very nature, electronic surveillance pursuant to CALEA is a violation of privacy rights that is permitted only within the very strict guidelines of a court authorization. The implementation of a feature that allows the acquisition of call-identifying information or call content information in a manner violating privacy rights by disclosing other communications not authorized to be intercepted, therefore, cannot be implemented. Instead, carriers and manufacturers will need to develop alternative solutions that are more protective and, quite clearly, more expensive. Again, while anything is possible with unlimited resources, CALEA has limited funding and the Commission must balance the competing needs of business realities, cost, privacy, and public safety.

²⁴ 47 U.S.C. § 1002(a)(4)(A).

²⁵ 47 U.S.C. § 1006(b)(2).

V. TIA SHOULD PROMULGATE ANY NEW STANDARDS THAT ARE NECESSITATED BY THIS PROCEEDING AND CARRIERS SHOULD HAVE A REASONABLE AMOUNT OF TIME TO IMPLEMENT ANY NEW STANDARDS

The *Notice* asks a number of questions regarding how any additions to J-STD-025, if any, that arise out of this proceeding should be implemented. In particular, the Commission proposes "that the technical requirements proposed herein can be most efficiently implemented by permitting Subcommittee TR45.2 of the TIA to develop the necessary specifications in accord with our determinations."²⁶ GTE supports this proposal because there is no other recognized industry group or organization with the experience and knowledge to undertake this task.

The Commission also seeks information on an implementation schedule for any possible additions to J-STD-025.²⁷ As stated above, the telecommunications industry has concluded that J-STD-025 meets the requirements of Section 103 and should remain intact. If the Commission nevertheless proceeds to add capabilities to J-STD-025 during this rulemaking, GTE believes that it is premature to estimate with any precision when any new features can be brought on line because manufacturers are just now developing solutions to J-STD-025, and any new capabilities will require additional time to evaluate. The time to test and install any new capabilities will also

²⁶ *FNPRM*, ¶ 132.

²⁷ *Id.*, ¶ 133.

vary by carrier and by central office, depending on the nature of the carrier's network and switch configuration.²⁸

In any event, the Commission must provide adequate time to properly install and test these new capabilities, given that CALEA implementation represents one of the most significant government-mandated modifications of the telecommunications network in history. To better understand the time frame required to implement a major network change such as the one being suggested, the deployment of local number portability ("LNP") is instructive. Once the preliminary standards were finalized, in February 1996, it took almost three years to implement the necessary changes to the switching software, and these changes were only carried out in the top 100 MSAs in the country. After switch vendors had software available in the Fall of 1997, it still took approximately one year in a phased deployment to install the software in only the major metropolitan areas. Unfortunately, however, this software did not address all of the changes required to properly implement number portability, and subsequent releases had to be deployed. In fact, changes are still being made to LNP standards and workarounds are being used until these modifications become available.

²⁸ For example, GTE has elected to cap generic software upgrades in some central offices for business reasons. This means that these offices are not configured at the latest generic software load. Switch manufacturers have advised GTE that CALEA solutions will be available in a future generic load. Therefore GTE will be forced to purchase intermediate software loads in order to be at the correct configuration to accept the CALEA load. In some cases, there could be one, two, or possible three intermediate generic upgrades to configure the switch for CALEA. These intermediate software loads represent additional and unanticipated costs beyond the cost of purchasing, testing, and installing the basic CALEA software.

Because CALEA must be implemented on a nationwide basis, its deployment will be even more difficult than local number portability, where the initial deployment was limited to the 100 largest MSAs.²⁹ Further, core CALEA software is not expected to be available until December 1999, at the earliest. Given the June 30, 2000 implementation deadline, this only leaves six months for a carrier to install this core software in all of its end offices. From a GTE perspective, the company has approximately twice as many offices to equip in half the time compared to LNP. Having had extensive discussions with the seven switch vendors from which GTE purchases switching equipment, GTE is also very concerned about the vendors' ability to deliver core CALEA software by December 1999, not to mention delivering quality software that meets the requirement for any punch list items that are added to the core standard.

While GTE supports the notion that a separate deadline for compliance with the new requirements stemming from this *FNPRM* is appropriate and reasonable, the Commission should also be aware that manufacturers may be predisposed to wait for the Commission's final order before developing the core requirements. In this regard, LNP is a good example of the increased cost and complexity of building to essentially a draft/initial standard, and then re-building to a final standard. As discussed above, the initial LNP standard was developed in February 1996, and a Bellcore standard was released in August 1996 and updated in December 1996. Regional Requirements teams continued to identify additional requirements through 1997, and in late 1997 an

²⁹ *Telephone Number Portability* (First Memorandum Opinion and Order on Reconsideration), 12 FCC Rcd 7236, ¶ 60 (1997) ("*Number Portability First Reconsideration Order*").

industry standards body (T1S1.6) was established to finalize these additional requirements. The fact that these standards continued to change resulted in the existing LNP requirements being deployed over as many as three different software loads. From a vendor perspective, this meant that the switch code must be changed multiple times with incumbent regression testing required each time to ensure the changes did not cause existing features to malfunction. Further, each load must go through extensive field testing prior to installation in GTE's network to minimize the impact on customer service.

Thus, the compliance deadline for the capabilities stemming from this *Notice* should be a *minimum* of 18 to 24 months following the release of the order in this proceeding. This is consistent with the interval the Commission used in extending the original compliance date. Further, consistent with its action in the number portability docket, the Commission should delegate authority to the Chief of the Common Carrier Bureau to grant a nine month extension of this implementation deadline, based on a carrier's individualized showing of need.³⁰ In addition, before making a final ruling on the overall compliance schedule, the Commission should avail itself of the vendor community expertise to determine whether a comprehensive solution, including any new requirements coming out of this proceeding, might best be accomplished by selecting a single date that could be later than June 30, 2000.

³⁰ *Number Portability First Reconsideration Order*, ¶ 49.

VI. CONCLUSION

The Commission should definitively state that J-STD-025 satisfies the assistance capability requirements of CALEA, and decline to add any of the punch list items to the standard. J-STD-025 should be sanctioned because it provides law enforcement officials with the tools they need to fight crime. Further, because the FBI and DOJ have refused to offer carriers statutorily-mandated reimbursement for network modifications necessitated by CALEA, such action will protect the American public—which is the ultimate guarantor of these modification costs—from a significant increase in their telephone bills. If, however, the Commission does add any of the punch list capabilities to J-STD-025, it must provide carriers with a reasonable amount of time in which to implement these additional features.

Respectfully submitted,

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